

MEDEQUA LLC,

Plaintiff,

-against-

O'NEILL & PARTNERS LLC,

Defendant.

## ORDER

21 Civ. 6135 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

In my order dated September 23, 2021 I held Defendant and its managing partner, Brian O'Neill, in contempt of court for failure to comply with my court orders (ECF 43). I directed the U.S. Marshal to arrest Brian O'Neill and hold him in custody until he purges himself of the contempt.

On September 28, 2021, Mr. O'Neill surrendered himself into custody. A hearing was held before Magistrate Judge Zia M. Faruqi, United States District Court for the District of Columbia at 2:30 p.m. on September 28, 2021. Judge Faruqi ordered Mr. O'Neill to report, in person, to the U.S. Marshal for the Southern District of New York within 72 hours, or approximately 3:30 p.m. on October 1, 2021. As of 5:00 p.m. on October 1, 2021, Brian O'Neill has not done so.

Also on September 28, 2021, counsel for Defendant, via email, requested that I consider approving a process by which Mr. O'Neill would be released so that he can continue to complete the interpleader deposit. I denied that request, but provided Defendant leave to file a motion, provided Defendant submit documentary proof of the status of the remaining escrow

funds, including when and where the funds were deposited. (ECF 44). On October 1, 2021, Defendant filed a motion to modify or stay my contempt order (ECF 46).

Defendant's motion is denied. Neither Defendant's Memorandum of Law (ECF 46-1) nor Brian O'Neill's declaration (ECF 46-2) provide "documentary proof of the status of the remaining escrow funds, including when and where the funds were deposited", as required by my order dated September 28, 2021 (ECF 44). However, Brian O'Neill's time to report to the U.S. Marshal for the Southern District of New York is extended until October 5, 2021 at 3:30 p.m.

My order holding O'Neill in contempt and directing the U.S. Marshall to arrest him is not punitive, as Defendant contends. It is intended to secure compliance with my court orders requiring the deposit of the Escrow Funds with the Court.

SO ORDERED.

Dated:       October 1, 2021  
              New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge